

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

DR 1998-011933

02/11/2009

HON. SUSANNA C. PINEDA

CLERK OF THE COURT
E. Rosel
Deputy

IN RE THE MARRIAGE OF
NANCY ANN QUINTANA

DEBRA S BROCKWAY

AND

JESUS MANUEL MARTINEZ

J VINCENT GONZALEZ

ALTERNATIVE DISPUTE
RESOLUTION - CCC

MINUTE ENTRY

Courtroom OCH 209

9:44 a.m. This is the time set for Return Hearing on Modification. Petitioner/Mother is present and represented by counsel, Debra S. Brockway. Respondent/Father is present and represented by counsel, J. Vincent Gonzalez.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Matters are discussed.

LET THE RECORD REFLECT that the parties have requested a referral for an Alternative Dispute Resolution Settlement Conference.

IT IS ORDERED affirming the settlement conference set for **April 9, 2009 at 9:00 a.m.** before Commissioner Anderson. Counsel and/or the Parties should not contact ADR directly.

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Counsel and/or the Parties will receive a minute entry from ADR setting forth the necessary settlement conference information.

IT IS ORDERED setting this matter for Evidentiary Hearing on **May 6, 2009 at 1:30 p.m. (3 hours allowed)** before the Honorable Susanna Pineda at:

Maricopa County Superior Court
Old Courthouse
125 W. Washington St
Courtroom 209
Phoenix, AZ 85003

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

JOINT PRETRIAL STATEMENT

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a **Joint** Pretrial Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than **April 30, 2009**.

IT IS FURTHER ORDERED that both parties submit the following attachments to the Joint Pretrial Statement:

A current Affidavit of Financial Circumstances in accordance with Local Rule 6.4(b), accompanied by copies of federal income tax returns for the past two years along with W-2 or 1099 forms and copies of the last four pay stubs.

A current Parent's Worksheet for Child Support Amount pursuant to the Statewide Child Support Guidelines.

If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation.

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If there are disputed issues regarding division of property, a current and detailed inventory and appraisal of property and assets of the parties, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the Court prefers a one page statement of all property except personal property items valued at less than \$500.00 each. If division of the marital residence is at issue at trial, the party seeking to be awarded the marital residence shall offer as an exhibit at trial the true and accurate legal description of the property.

A list of debts with balances.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of trial, or to timely present the Joint Pretrial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

EXHIBITS

IT IS FURTHER ORDERED the parties shall confer prior to the trial regarding exhibits to be marked for the hearing. The parties shall hand deliver any exhibits and an exhibit inventory to the clerk of this division, and not place in the division mailbox, for marking no later than **five business days prior to trial, not including holidays or the day of trial. The production of bench copies is not necessary and will not be accepted by court staff.** All exhibits presented shall have been exchanged between the parties. Duplicate exhibits shall not be presented. **Any exhibits not submitted at least five (5) business days prior to the trial may not be accepted and/or marked prior to trial. Absent good cause, failure to submit all exhibits by that date will result in those items being prohibited from being utilized at the trial.**

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing, subject to a determination of relevance by the Court, all exhibits that the parties have agreed to and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement, shall be admitted.

FINDINGS OF FACT

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IT IS FURTHER ORDERED that any party filing a request for findings of fact and conclusions of law pursuant to Rule 82, Arizona Rules of Family Law Procedure, **shall submit proposed findings of fact and conclusions of law to this Division no later than 20 days prior to trial.** Any controverting findings of fact and conclusions of law proposed by the adverse party shall then be submitted no later than ten days prior to trial.

SETTLEMENT

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court in accordance with Rule 70, Arizona Rules of Family Law Procedure.

The Court notes that if either party fails to appear at trial, default judgment may be entered against him or her and/or the matter may proceed at that time to trial or to a default judgment hearing under Rule 44(B)(2).

IT IS ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, *Arizona Rules of Family Law Procedure*, including an exchange of all relevant information, documents and exhibits on or before **April 6, 2009**.

2. All depositions and discovery contemplated by Rules 49 through 65, *Arizona Rules of Family Law Procedure*, shall be completed and any motions regarding discovery shall be filed no later than **April 6, 2009**.

3. Counsel and both parties shall personally meet, face to face, at least ten (10) days prior to trial to conduct settlement discussions, prepare a Joint Pre-trial Statement, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

If a party is forced to incur attorney's fees or other costs to obtain documents or records by subpoena or other legal process after reasonable request of the other party to obtain such information in a more efficient or economical manner, the Court will consider a request for payment or reimbursement of such fees and costs at the time of trial.

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9:51 a.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes.
A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.